

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 10, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CONNOR ADRIAN POTUCEK,

Defendant.

No. 2:21-CR-00011-MKD

ORDER GRANTING MOTION TO
DISMISS INDICTMENT

ECF No. 64

Before the Court is the United States' Motion to Dismiss Indictment, ECF No. 64. The United States moves the Court to dismiss, with prejudice, the Indictment, ECF No. 1, pursuant to the terms of Defendant's Pretrial Diversion Agreement. ECF No. 42. The Court has reviewed the motion and the record and is fully informed.

On December 7, 2021, the parties entered into a Pretrial Diversion Agreement, which the Court accepted. ECF No. 42. Under the terms of the Agreement, the United States agreed to defer prosecution on the Indictment for 24 months, or up to 36 months, to give Defendant the opportunity to satisfy the

1 terms of the Agreement. ECF No. 42 at 6. Defendant agreed to be supervised by
2 the U.S. Probation Office for the Agreement's duration under terms requiring that
3 he commit no new violations of federal, state, or local law; report any contacts
4 with law enforcement to the supervising officer; reside within the Eastern District
5 of Washington; maintain lawful employment; report to his supervising officer as
6 directed; refrain from possessing, controlling, using, or possessing any alcohol or
7 illegal controlled substance, including marijuana; and comply with his supervising
8 officer's direction concerning substance abuse evaluation and treatment. *Id.* at 4-6.

9 On December 7, 2023, the Court extended the term of the Agreement by one
10 year, following Defendant's admission to a violation of the Agreement. ECF
11 No. 59; *see also* ECF No. 64 at 2.

12 The United States represents that Defendant has substantially satisfied the
13 terms of the Agreement. ECF No. 64 at 2. Although Defendant failed to report an
14 October 2024 speeding infraction to the supervising officer, *see* ECF No. 61,
15 Probation indicates that Defendant has otherwise complied with all terms of
16 supervision. ECF No. 64 at 2. Defendant has also made significant progress in
17 building a career as an electrician and purchasing a home. *Id.* Probation has
18 terminated Defendant's supervision and recommends that the Indictment be
19 dismissed under the terms of the Agreement. *Id.* at 2-3.

1 Therefore, the United States moves to dismiss the Indictment with prejudice
2 pursuant to the terms of the Pretrial Diversion Agreement.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The United States' Motion to Dismiss Indictment, **ECF No. 64**, is
5 **GRANTED.**

6 2. The Pretrial Diversion Agreement, ECF No. 42, is **TERMINATED.**

7 3. The Indictment, **ECF No. 1**, is **DISMISSED with prejudice.**

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
9 provide a copy to all counsel and the U.S. Probation Office, and **CLOSE** the file.

10 **DATED** February 10, 2025.

11 s/Mary K. Dimke
12 MARY K. DIMKE
UNITED STATES DISTRICT JUDGE